

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	<b>CASE NO. 8:09CV454</b>
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
<b>\$103,000.00 in United States Currency,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the Court on the Claimant Tri Q. On's objections<sup>1</sup> (Filing No. 25) to the order (Filing No. 23) entered by Magistrate Judge F.A. Gossett.

Under 28 U.S.C. § 636(b)(1)(A), the court has reviewed the order from which this appeal has been taken. In an appeal from a magistrate judge's order on a pretrial matter contemplated by 28 U.S.C. § 636(b)(1)(A), a district court may set aside any part of the magistrate judge's order shown to be clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A).

After reviewing the record and the parties' briefs, the Court finds that the Magistrate Judge's order is not clearly erroneous or contrary to law. However, in his objections the Claimant's attorney stated for the first time that a supplemental complaint has been filed against him with the Nebraska Counsel on Discipline regarding his representation of the Claimant in this case. Although counsel for the Claimant will be granted leave to withdraw, this order does not continue the trial scheduled for October 13, 2010..

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<sup>1</sup>This matter was raised in a motion to reconsider Judge Gossett's prior ruling. The motion to reconsider is considered as an objection because this matter is scheduled for trial on October 13, 2010, and in light of Judge Gossett's instructions in his order.

IT IS ORDERED:

1. The objections to the Magistrate Judge's order (Filing No. 25 ) are granted insofar as counsel is granted leave to withdraw as stated in ¶ 3 below;

2. Trial is not continued; and

3. Counsel for the Claimant Tri Q. On is given leave to file a notice of withdrawal stating that he has personally or telephonically notified the Claimant of this order and given the Clerk of the Court of the Claimant's current mailing address.

DATED this 6<sup>th</sup> day of October, 2010.

BY THE COURT:

s/Laurie Smith Camp  
United States District Judge